

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. C06-026-RSL

V.

AWAD YIMER AYNISHER,

Defendant.

PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED
VIOLATIONS OF SUPERVISED
RELEASE

INTRODUCTION

I conducted a hearing on February 10, 2015, in a related case pending against this defendant (CR14-353 RSL). Defendant entered a plea of guilty to the charge of felon in possession in that case. At the same hearing, the parties and court addressed the pending charges of violations of supervised release in this case (CR 06-26 RSL). The United States was represented by Todd Greenberg and Andrew Friedman, and defendant was represented by Sandra Denton. The proceedings were digitally recorded.

CONVICTION AND SENTENCE

Defendant was sentenced in this case on July 27, 2006, on a charge of conspiracy to distribute cocaine base. The Hon. Robert S. Lasnik of this court sentenced defendant to 120

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months in custody, followed by five years of supervised release.

ALLEGED VIOLATIONS AND DEFENDANT'S ADMISSIONS

In an application dated October 7, 2014, USPO Jennifer Van Flandern alleged that defendant violated the conditions of supervised release in five respects:

- (1) Committing the crime of felon in possession of a firearm, on or about October 5, 2014;
- (2) Committing the crime of driving while under the influence, on or about October 5, 2014;
- (3) Committing the crime of driving while license suspended, on or about October 5, 2014;
- (4) Possession a firearm, on or about October 5, 2014, in violation of general conditions of supervised release; and
- (5) Using alcohol on or about October 5, 2014, in violation of his special condition of supervised release.

I advised defendant that he was entitled to an evidentiary hearing on these charges, and that the United States had the burden of proof as to each alleged violation. But he waived his right to such a hearing, admitted each of the alleged violations, and consented to have the revocation matter set for disposition before Judge Lasnik. The parties agreed that the disposition of the revocation of supervised release should be set with the sentencing hearing in the related case, CR 14-353 RSL. That hearing has been set for June 12, 2015 at 10:30 a.m.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release in all five respects alleged, and conduct the disposition
2 hearing.

3 Defendant has been detained pending a final determination by the court.

4 DATED this 10th day of February, 2015.

5 s/ John L. Weinberg
6 United States Magistrate Judge
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